

**JAMES L. GANN,**

**Plaintiff,**

**vs.**


**MICHAEL J. ASTRUE,**  
**COMMISSIONER OF SOCIAL**  
**SECURITY,**

**Defendant.**

For the reasons set forth in the Order filed herewith,

**IT IS, THEREFORE, ORDERED** that the Magistrate Judge's Memorandum & Recommendation is **ACCEPTED**; Plaintiff's Motion for Summary Judgment is **DENIED**; the Defendant's Motion for Summary Judgment is **GRANTED**; and the Commissioner's decision is hereby **AFFIRMED**.

Signed: September 25, 2010

  
Martin Reidinger  
United States District Judge

